

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

BENJAMIN MOSTAED,
on behalf of himself and all others similarly situated

Civil Action No. 3:11-cv-00079-JAG

and

WILLIAM D. PERKINS,
on behalf of himself and all others similarly situated

Civil Action No. 3:11-cv-00082-JAG

Plaintiffs,

v.

JAMES B. CRAWFORD,
ROBERT H. FOGELSONG,
RICHARD M. GABRYS,
ROBERT B. HOLLAND,
BOBBY R. INMAN,
DAN R. MOORE,
BAXTER F. PHILLIPS, JR.,
STANLEY C. SUBOLESKI,
LINDA J. WELTY,
MASSEY ENERGY COMPANY,
ALPHA NATURAL RESOURCES, INC.,

Defendants.

ORDER

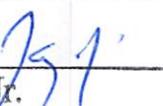
THIS MATTER is before the Court to determine how the case should proceed. In his memorandum supporting his motion for an award of attorney's fees, the plaintiff stated that he had "succeeded in the goals of the litigation[,] (Dk. No. 61 at 7). He then added, "[a]s stated in Plaintiff's letter to the Court dated June 23, 2011, Plaintiff intends to voluntarily dismiss this action following the resolution of this motion." (*Id.*, n. 4.)

The Court denied the motion for attorney's fees on September 10, 2012, but the plaintiffs have taken no subsequent action. Accordingly, the Court DISMISSES the plaintiffs' action with prejudice.

It is so ORDERED.

The Clerk is directed to send a copy of this Order to all counsel of record.

Date: September 24, 2012
Richmond, VA

/s/ 
John A. Gibney, Jr.
United States District Judge